

3.00 GENERAL BUILDING AND DEVELOPMENT STANDARDS

3.01 General Building and Development Standards

3.01.1 Intent. The purpose of this Section is to establish general building and development standards. These standards are intended and designed to assure compatibility of uses, protect the environment, preserve privacy, and preserve the character of the Reese Creek Community; and to enhance the health, safety and general welfare of the Reese Creek Zoning District residents. These standards supplement the specific District regulations set forth in these Regulations.

3.01.2 Accessory Dwelling. An accessory dwelling shall be located on the same parcel as the principal dwelling (single-family dwelling). An accessory dwelling can either be attached or detached to the principal dwelling. An accessory dwelling is subordinate to the principal dwelling and includes an efficiency apartment, caretaker's residence, agricultural employee housing and guesthouse.

1. A minimum of two (2) onsite parking spaces shall be provided for an accessory dwelling unit.
2. Nothing herein precludes the construction of the principal dwelling after the accessory dwelling provided all applicable regulations are met.
3. An accessory dwelling may not be rented; qualified agricultural employee housing is exempt.

3.01.3 Accessory Structures. With exception of structures for qualified agricultural uses, all accessory structures shall meet the following requirements:

1. No accessory structure shall be erected in any required setback.
2. No unfinished reflective siding shall be allowed.
3. All accessory structures (other than caretaker residence, guesthouse, or employee housing for authorized agriculture operations) over 2400 square feet (building footprint) shall require a conditional use permit.
4. On parcels smaller than five (5) acres, only two (2) accessory structures shall be allowed. A maximum of three (3) accessory structures shall be allowed on parcels over five (5) acres. A detached accessory dwelling is an accessory structure.
5. Accessory buildings less than 200 square feet (building footprint) do not require a land use permit and are not counted towards the accessory structure limit.

3.01.4 Agriculture. As defined in MCA §76-2-903, agricultural activity includes activity that provides a standard annual income or that occurs on land classified as agricultural or forest land for taxation purposes. The condition or activity must occur in connection with the commercial production of farm products and includes, but is not limited to: the operation of machinery and irrigation pumps; odors; dust; movement of water for agricultural activities; ground and aerial application of seed, fertilizer, conditioners, and plant protection products; employment and use of labor; roadway movement of equipment and livestock; construction and maintenance of buildings, fences, roads, bridges, waterways; timber harvesting, thinning, and timber regeneration; burning and stubble and slash disposal, and plant nursery and commercial greenhouse activities. Commercial production of farm products includes the growing, raising, or marketing of plants or animals by the owners, owner's agent, or lessee of the land that provides the income or that occurs on land that is classified as agricultural or forest land for taxation purposes such as:

- a) forages and sod crops;
- b) dairy and dairy products;
- c) poultry and poultry products;
- d) livestock, including breeding, feeding, and grazing of livestock and recreational equine use;
- e) fruits;
- f) vegetables;
- g) flowers;
- h) seeds;
- i) grasses;
- j) trees, including commercial timber;
- k) freshwater fish and fish products;
- l) apiaries;
- m) equine and other similar products; or
- n) any other product that incorporates the use of food, feed, fiber, or fur.

3.01.5 Animal-Proof Refuse Containers. All refuse shall be stored in animal-proof containers or made unavailable to all domestic and wild animals.

3.01.6 Automobile Repair, Minor (a business operation). For Districts that permit it and with an approved Conditional Use Permit (CUP) pursuant to Section 5.04, minor auto repair operations may be conducted in the residential districts subject to the following standards:

1. All vehicles (stored and under repair) and all materials and solid waste related to the minor auto repair operation shall be located within structures or screened from adjacent property and public view.
1. All vehicle repair work shall be conducted within an approved structure.

2. Agricultural vehicles and farm equipment are exempt from standards 1 and 2 above. A maximum of three (3) agricultural vehicles or pieces of farm equipment shall be on the site at any given time.

3.01.7 Bed and Breakfast Inn. All Bed and Breakfast Inns shall be subject to the following standards:

1. The proprietor shall reside in the Bed and Breakfast Inn.
2. The number of bedrooms available for guests shall be five (5) or fewer.
3. Food service shall be limited to overnight guests only, and shall be prepared from an onsite, central kitchen facility.
4. The Bed and Breakfast Inn's exterior appearance shall be compatible to residential dwellings in the same District. There shall be no alteration to the exterior of the Bed and Breakfast Inn that would detract from the residential character of the District. Any alteration of the of the structure's exterior or expansion of the structure for the purpose of increasing the number of guest-bedrooms (up to the maximum 5 bedroom limit) is permitted with an approved Conditional Use Permit (CUP) pursuant to Section 5.04.
5. One (1) parking space per guest-bedroom shall be provided onsite in addition to the two (2) parking spaces required for a dwelling unit.

3.01.8 Equestrian Facilities, personal.

1. Income from training, boarding, and lessons shall be incidental to the principal use of the property.
2. Does not allow commercial equestrian facilities as defined in these Regulations.

3.01.9 Fences and Walls.

1. All fencing shall be wire or natural materials, of natural colors, and shall not detract from the natural environment.
2. Subdivisions (reviewed pursuant to the Gallatin County Subdivision Regulations and within the Reese Creek Zoning District) are responsible for the cost of new fencing or the cost to maintain an old fence on the subdivision boundaries with agricultural land.

3.01.10 Greenhouse. A greenhouse that is an accessory structure within a residential district and not part of a qualified agriculture operation shall be limited to:

1. Each greenhouse structure is limited to a maximum 1500 square feet (building footprint) without an approved Conditional Use Permit (CUP) pursuant to Section 5.04.

2. Parcels five (5) acres or smaller are limited to one (1) greenhouse.

3.01.11 Guest Ranch. For Districts that permit it and with an approved Conditional Use Permit (CUP) pursuant to Section 5.04, a guest ranch shall also comply with the following standards:

1. Requires a minimum 320-acre parcel.
2. A guest ranch's overnight accommodations may be a designated room within a structure, such as a central lodge, or a separate structure, such as a cabin. A guest ranch is limited to a maximum of eight (8) overnight accommodations. Parcels larger than 320 acres may increase the total overnight accommodations by one (1) for each increment of 40 acres over 320 acres.
3. The location of all structures shall be limited to an area equal to a maximum of 10 percent of the parcel. The structures shall be clustered to minimize the overall disturbance and/ or clearance of the landscape. The 10 percent area shall be contiguous and identified on the Site Plan required in the CUP process and within the 10 percent area designated building envelope(s) shall be identified. (Example: a 320-acre parcel is required to locate all structures within a 32-acre area and designate individual structure building envelopes.)
4. A guest ranch is limited to one (1) main structure not to exceed 4000 square feet total for the kitchen, dining area, and other communal areas. The main structure may include overnight accommodations with the communal areas. Separate structures for individual guest ranch quarters (such as cabins) may be used to provide overnight accommodations. Overnight accommodation structures shall not exceed 1000 square feet per each unit. A guest ranch may have a combination of buildings to provide services and overnight accommodations not to exceed the limits specified in this Section (3.01.11).
5. Individual guest ranch quarters (such as cabins) shall not contain a kitchen or cooking facilities. Central kitchen or cooking facilities are allowed.
6. All guest ranch services and accommodations (lodging, dining, recreation) are limited to overnight guests.
7. Guest ranch quarters (such as cabins) shall not be offered for rent or sale as dwelling units.
8. A guest ranch may provide facilities to accommodate local customary recreational activities, which does not include the use of motorized vehicles and/ or activities.
9. A guest ranch providing recreational activities shall provide for or have direct access to riding trails or other recreational facilities, to reduce off-site automobile travel.
10. A Parking Plan that complies with Section 3.01.18 shall be included with the CUP application to assure adequate parking according to proposed use and

capacity. A minimum of one (1) parking space per 200 square feet of building footprint is required.

11. Outdoor lighting shall comply with Section 3.01.16. Location and identification of all outdoor lighting shall be included in the Parking Plan.
12. All activity areas shall be designed to protect and ensure the general safety and welfare of participants, area residents, and wildlife.
13. All guest ranch facilities shall comply with applicable state and local requirements (such as licensing, inspections, permits, etc.) pertaining to building, fire and safety codes.

3.01.12 Home Based Business. A home based business shall meet the following standards:

1. A home-based business shall be operated by a person residing within the dwelling.
2. A home-based business is limited to three (3) employees that work on the premises and limited to types of activities such as contracting businesses; service businesses; offices; music, art, or other instruction; individual-artist studio and galleries.
3. The home-based business shall not change the residential character of the lot.
4. All vehicles, materials, and solid waste related to the home-based business shall be located within structures or screened from adjacent property view and public view.
5. Disposal of all waste created by the home based business shall comply with Gallatin City-County Health Department, Environmental Health and Montana Department of Environmental Quality.
6. No noise shall be created between the hours of 8 p.m. and 7 a.m. that is detectable to normal sensory perception at the property line.
7. Generation of more than an average of ten (10) additional daily trips by any home-based business is prohibited.
8. All parking shall be provided on site.
9. All facilities shall comply with applicable state and local requirements (such as licensing, inspections, permits, etc.) pertaining to building, fire and safety codes.

3.01.13 Home Occupation. A home occupation shall meet the following standards:

1. A home occupation shall be operated by a person residing within the dwelling.

2. No one residing off premises may be employed on the premises of a home occupation for work related to the home occupation.
3. Disposal of all waste created by the home occupation shall comply with Gallatin City-County Health Department, Environmental Health and Montana Department of Environmental Quality.
4. All parking shall be provided on site.

3.01.14 Mobile, Modular, and Manufactured Homes.

Mobile, modular, and manufactured homes qualify as single-family dwellings and shall comply with the applicable District designation (Section 2); and in order to achieve acceptable similarity in appearance and construction between conventional or site-built housing and mobile, modular, and manufactured homes, the following standards shall also apply:

1. All Mobile, Modular, and Manufactured Homes:
 - a. Dwellings shall be permanently connected to utility services in compliance with applicable codes.
 - b. Dwellings shall have a permanent foundation compatible with conventionally built housing in surrounding area; or be physically anchored using manufacturers' suggested standards and schematic (for system such as perimeter or runner footing and cable attachment), and appear compatible with conventionally built housing in the surrounding area. A block-support system is not acceptable permanent or anchored foundation. Confirmation of permanent foundation or manufacturers' approved anchoring is required as part of the land use permit.
 - c. Roofs shall have sloping lines with eaves, and shall be compatible with conventionally housing in surrounding area.
 - d. Roofing material shall be of same fire resistant material required of conventional housing.
 - e. The exterior covering material shall be similar and compatible to materials of housing in surrounding area.
 - f. The exterior covering color (including roof) shall be similar and compatible to colors of housing in surrounding area.
2. Mobile Homes. In addition to all of the above, the following standards apply:
 - a. All mobile home dwellings must bear an insignia, which attests that the construction of the mobile home meets the Mobile Home Construction and Safety Standards of the US Department of Housing and Urban Development.
 - b. Mobile home skirting must be provided around the entire perimeter of the dwelling. The skirting shall match the color and material of the exterior covering, and shall extend to the ground to conceal the underside of the mobile home and the permanent foundation.

- c. An abandoned, burned, or wrecked mobile home must be secured against entry and may remain on the lot for no more than 45 days in the abandoned, burned, or wrecked condition.

3.01.15 Non-agricultural structures over 32 feet.

1. Parcels less than 40 acres are limited to one (1) non-agricultural structure with a height that exceeds 32 feet, with an approved Conditional Use Permit (CUP).

3.01.16 Outdoor Lighting. Outdoor lighting which is necessary for adequate safety, utility, and commerce is permitted provided it does not interfere with the privacy of others or the safety and enjoyment of property which is not intended to be illuminated; or cause the loss of the scenic view of the night sky; or does not produce glare. Permitted outdoor lighting shall meet the following conditions:

1. Lighting fixtures shall be located, aimed, and shielded so that direct illumination is focused exclusively on the structure facade, landscape, or other intended site feature and away from adjoining properties and the public right-of-way.
2. Lighting fixtures affixed to the exterior of a dwelling unit shall not exceed the height of the highest eave of the structure on which the light is located.
3. Motion sensor activated lighting may only be triggered by movement on the property on which the light is located.
4. Lighting fixtures mounted to a structure shall not extend more than four (4) feet above the highest part of the structure.
5. Landscaping, walkway, driveway, sidewalk, bikeway lighting is limited to the path of travel area plus five (5) feet on either side of the path of travel.
6. All-nonconforming outdoor light fixtures lawfully installed prior to and operable on the effective date of these Regulations are exempt from all lighting requirements. However, there shall be no change in use or lamp type, or any replacement (except the same type and output lamp replacement), or structure alterations made and if so, all changes shall comply with applicable regulations.
7. Outdoor lighting not permitted in the Reese Creek Zoning District includes:
 - a. Mercury vapor lamps.
 - b. High-pressure sodium lamps.
 - c. Blinking, flashing, moving, revolving, flickering, changing color, or chase lighting, except lighting for temporary seasonal displays, or lighting for public safety.
 - d. Searchlights, floodlights, beacons or other similar high intensity lighting.
 - e. Laser source lighting.
 - f. Any upward oriented lighting.

3.01.17 Outdoor Storage. Stored items shall be located within structures or screened from adjacent property view and public view.

3.01.18 Parking.

1. A minimum of two (2) on-site parking spaces shall be provided for every dwelling unit.
2. For all non-residential uses that are required to provide parking shall include a minimum of one (1) disabled-accessible parking space in compliance with the American with Disabilities Act (ADA) dated, January 26, 1992, for every twelve (12) parking spaces provided. The disabled-accessible parking space(s) shall have an aisle five (5) feet wide; shall be located as near as practical to a primary entrance; and shall be marked reserved for disabled use showing the symbol of accessibility. If only one (1) disabled-accessible parking space is required, then it shall be designated and marked as “van accessible” and have an aisle eight (8) feet wide. For every 1-8 disabled-accessible parking spaces provided, a minimum of one (1) shall be designated van accessible.
3. Parking areas with fifteen (15) or more parking spaces shall include landscaping on a minimum of 10 percent of the parking area.
4. Parking areas shall provide adequate space to be calculated at a minimum dimension of a 19'x 9' (rectangle) for each required parking space.
5. Places of worship and other similar places of public assembly shall provide at least one (1) passenger loading area on site.

3.01.19 Power Plant, personal.

1. Requires an approved Conditional Use Permit (CUP) pursuant to Section 5.04 for structures that exceed 32 feet in height.
2. The process for generating power shall minimize and/ or mitigate the production of odors, smoke, dust, airborne particles, vibration, glare, heat or noise. Types of technology or processes that have the potential to generate excessive odors, smoke, dust, airborne particles, vibration, glare, heat or noise require a CUP pursuant to Section 5.04.

3.01.20 Ridge and Ridgeline Development. Development of any ridge or ridgeline area shall blend with the natural terrain and vegetation in order to preserve and protect the scenic and rural character and environmental quality of the Reese Creek Zoning District in accordance with the following standards:

1. Parcels created after the adoption of these Regulations shall meet the following standards as part of subdivision review:

- a. Building sites for all structures shall not detract from the scenic qualities or overall character of the District; and shall not obstruct views as viewed from public roads within the District.
 - b. Building sites shall be down grade of the ridgeline.
 - c. Structures and rooflines shall follow or mimic the contour of the ridge.
 - d. Structures shall not break the silhouette of the ridge as viewed from public roads within the District.
 - e. The exterior of all structures (including roofs) shall use muted and subdued earth-tone colors that blend in with the natural landscape.
 - f. Retaining walls shall be terraced and made of materials that blend with existing natural landscape.
 - g. Areas cleared and graded but not built upon, shall be revegetated to approximate the original density and type of vegetation (including trees) condition existing prior to the disturbance and shall be completed within 24 months of the start of construction or disturbance.
 - h. Appropriate sediment and erosion control measures shall be used throughout construction of site.
 - i. Landscaping shall be added to screen structures in view from public roads.
 - j. Slopes of 40 percent or greater shall be permanently preserved and prohibited from development.
 - k. Site grading shall not alter existing prominent geological features or ridgeline silhouette.
 - l. Driveways shall be designed to follow the contours of the terrain in order to minimize grading and to prevent erosion.
 - m. Driveways of grades greater than 10 percent shall not exceed 100 feet in length.
 - n. All driveways shall be a minimum of fourteen (14) feet wide for emergency vehicle accessibility; and driveways greater than 1000 feet in length shall provide a turn out every 1000 feet to allow passage by emergency vehicles.
2. Parcels created prior to the adoption of these Regulations shall meet the following standards for development of ridges or ridgelines as part of Land Use Permit process pursuant to Section 5.03:
 - a. Building sites are discouraged from ridges or detracting from ridgelines as viewed from public roads within the District, but are not prohibited from placing building sites on ridgelines.
 - b. The exterior of all structures (including roofs) shall be muted and subdued earth-tone colors that blend in with the natural landscape.
 - c. Areas cleared and graded but not built upon, shall be revegetated to approximate the original density and type of vegetation (including trees) condition existing prior to the disturbance and shall be completed within 24 months of the start of construction or disturbance.
 - d. Driveways shall be designed to follow the contours of the terrain in order to minimize grading and to prevent erosion.

- e. Driveways of grade 10 percent or greater shall not exceed 100 feet in length.
- f. Appropriate sediment and erosion control measures shall be used throughout construction of site.
- g. Landscaping shall be added to screen structures in views from public roads.
- h. All driveways shall be a minimum of fourteen (14) feet wide for emergency vehicles accessibility; and driveways greater than 1000 feet in length shall provide a turn out every 1000 feet to allow passage for emergency vehicles.

3.01.21 Signs. Blinking, flashing, moving, revolving, flickering, changing color, neon, banner, and billboard signs are not allowed in the District. Allowed signs shall meet the following conditions:

- 1. Permitted signs shall be limited to a total surface area not exceeding twelve (12) square feet.
- 2. Permitted signs shall be attached to or mounted on a freestanding pole(s) or post; or supported by a monument style pedestal.
- 3. Permitted signs (and supporting structure) shall be limited to a maximum height of six (6) feet above grade. All signs exceeding six (6) feet in height shall be reviewed pursuant to the Conditional Use Permit (CUP) process pursuant to Section 5.04.
- 4. One (1) *portal sign* is permitted to identify the property owner (with name and/ or address, brand, or similar) and shall be located on the premises and at the entrance to the property.
- 5. A sign located on private property (not in the public right-of-way) to reduce speed as a caution for children, domestic animals, livestock, or wildlife is allowed.
- 6. One (1) sign on premise is permitted for use with a Home Occupation or Home Based Business. Information on a sign for this use is limited to the name, occupation, and logo of the qualified home-based business or home occupation.

3.01.22 Shooting Preserve (Upland Birds).

- 1. All activity areas shall be designed to protect and ensure the general safety and welfare of participants, area residents, and non-targeted wildlife.
- 2. All facilities shall comply with applicable state and local requirements (such as licensing, inspections, permits, etc.) pertaining to building, fire and safety codes.

3.01.23 Wildfire Mitigation.

1. All new construction and replacement roofing on structures within the District shall use only Class A or B fire-rated roofing materials (Table A).
2. Defensible space shall be created and maintained in accordance with the vegetation reduction and clearance guidelines of the Fire Protection Guidelines for Wildland Residential Interface Development (Appendix A).

TABLE A

Fire Ratings of Roofing Materials:	
<u>Class A</u>	fire rated roofing materials includes slate; rock shingle; concrete tile; and fiberglass based asphalt shingle and rolled roofing.
<u>Class B</u>	fire rated roofing materials includes aluminum shingle; aluminum or steel panels; and periodically treated wood shingle or shake, plus heat barrier.
<u>Class C</u>	fire rated roofing materials includes felt-tar based asphalt or rolled roofing; asphalt tar gravel; and periodically treated wood shake and wood shingle.
<u>Not Rated</u> roofing material includes untreated wood shingle or shake.	

3.01.24 Utilities. Any new and/ or relocated utilities providing service to parcels or structures shall be placed underground. Refer to Section 5.06 for site constraints that may necessitate a variance.

3.01.25 Worship, Places of.

1. Requires a minimum two- (2) acre parcel and is limited to a maximum five-(5) acre parcel.
2. Site is limited to one (1) structure with a maximum 3000 square-foot building footprint.
3. The site may include one (1) accessory structure limited to 200 square feet.
4. Building height limit shall not exceed 32 feet.
5. A Site Plan that designates all outdoor lighting and signage is required in accordance with the Conditional Use Permit (CUP) process pursuant to Section 5.04.
6. The lot shall be contiguous to an arterial road and provide adequate access.

7. Adequate parking shall be provided for use and capacity and demonstrated with a Parking Plan with the CUP submittal.
8. The parking area may not be within the side property line setback.
9. A minimum of one (1) parking space per 200 square feet of public assembly area is required; and two (2) parking spaces for each classroom.
10. Permanent facilities for subordinate uses such as kitchen facilities, childcare services, education facilities, entertainment and events facilities, each require a separate review and use permit according to the CUP process.
11. Any community use (other than public assembly for worship) of the indoor and/or outdoor facilities shall be limited to daily uses that end at 11:00 p.m.
12. All facilities shall comply with all applicable state and local requirements (such as licensing, inspections, permits, etc.) pertaining to building, fire and safety codes.